

such dedication on the parts of our athletes and school administrators who prize and promote such equality. As the struggle to root out discrimination from all realms of life continues, I am very proud to say West Virginia is a strong part of the extraordinary progress that America is celebrating during title IX's anniversary year.●

EMERITUS LAW PROFESSOR J.  
WILLARD HURST

● Mr. FEINGOLD. Mr. President, last month, this Nation lost one of its most distinguished scholars when J. Willard Hurst, Emeritus Professor of Law at the University of Wisconsin, died at his home. He was 86.

Professor Hurst was that wonderful and rare combination of truly gifted scholar and great teacher. Indeed, his scholarship was so profound, it was responsible for the creation of a new field of study, and today Willard Hurst is widely recognized as the Founding Father of American legal history.

Hurst was born in Rockford, IL in 1910. He graduated Phi Beta Kappa from Williams College in 1932 and went on to Harvard Law School, where he graduated at the top of his class in 1935.

Hurst worked as a research fellow for Prof. Felix Frankfurter, who was later named to the U.S. Supreme Court, and clerked for Supreme Court Justice Louis D. Brandeis before heading to Wisconsin, at Brandeis's suggestion, where he joined the University of Wisconsin law school faculty.

When Hurst first joined the law school faculty, Dean Lloyd Garrison encouraged him to design a program in law and society that investigated how the State's legal system and economy related to each other. Hurst began that project by studying the law's impact on the State's lumber industry, research that would result in his seminal work, "Law and Economic Growth: The Legal History of the Wisconsin Lumber Industry." That landmark study chronicled the social and economic forces that shaped and used the laws of property, contracts, accident compensation, and other legal areas to destroy the greatest natural stand of timber in the world between 1830 and 1900.

That work was a classic application of the new scholarly discipline of American legal history, a discipline Hurst himself had created—his great legacy and a field he dominated directly or indirectly even in retirement. As Lawrence M. Friedman of Stanford Law School was quoted as saying of legal historians, "You're either a Hurstian or a revisor of Hurst."

In a 1990 article in the New York Times about Professor Hurst, David Margolick wrote of the state of the study of law when Hurst attended law school. "The law was a self-contained science and the law library its laboratory," Margolick reported. "One need not study how law actually affected people or how legal institutions

evolved; all wisdom could be gleaned from appellate decisions. This approach not only gave law professors a shot at omniscience but also spared them from having to learn other disciplines, set foot in a courtroom or state legislature, or even step outside." As Margolick added, from the moment he arrived at the University of Wisconsin Law School, Professor Hurst changed all that.

University of Wisconsin Emeritus Law Professor Bill Foster said Hurst forced people to think of problems separate from the law in an historic sense and think about the economic, social and political consequences. "He trained us to see around corners." As Stanford Professor Hendrik Hartog noted, Hurst's interest in the relationship between the law and social sciences, especially economics, was really a study of how law was experienced by people.

That approach to studying law found a nurturing home at the University of Wisconsin, which was heavily influenced by the so-called Wisconsin Idea, the Progressive Era philosophy which encouraged scholars to view the entire State as their campus, and which envisioned academics as a vital resource for reform-minded government.

Willard Hurst and Wisconsin were a perfect match. Hurst loved Wisconsin. On three occasions he turned down offers to be Dean of the Yale Law School. He also turned down the offer of a chair at Harvard. Hurst said, "I guess I was just too pleasure-loving. I was having too good a time in Wisconsin."

At Wisconsin, Hurst was a prolific writer, contributing to law reviews, writing articles, and authoring over a dozen books, including "The Law Makers" (1950), "Law and Conditions of Freedom" (1956), "Law and Social Process in U.S. History" (1960), "Justice Holmes on Legal History" (1964), and "A Legal History of Money in the United States" (1973).

Hurst was more than a great original thinker. He was an enormously talented and caring teacher. Robben Fleming, former president of the University of Michigan and former Chancellor of the University of Wisconsin, said that Hurst was the finest teacher he ever had. University of Wisconsin Law Professor Stewart Macaulay said Hurst was wonderfully generous. "What Willard would do is go out to lunch with someone who was an absolute beginner. He would give you time, make incredible suggestions, make contacts for you."

Willard Hurst continued to be an academic force in retirement with a steady flow of research and writing. As Margolick reported in the Times, even in retirement Hurst remained one of the few legal scholars whose work could be "measured in shelf feet—and shelf feet of bona fide research rather than cut-and-paste cases and comments."

A number of his books became standard texts for law students. In fact, I still remember of the five books I was

asked to read before I entered Harvard Law School, two were written by Willard Hurst.

As the acknowledged grandfather of American legal history, Hurst's legacy is not only a new field of study, but generations of law students, and dozens of distinguished scholars. Willard Hurst was a giant intellect, but a gentle giant who cared about his students and who loved his adopted State. I was privileged to have known him.●

CHANGE OF CLOTURE MOTION  
SIGNATORIES

Mr. GREGG. Mr. President, I ask unanimous consent that Senator FAIRCLOTH's name be removed from the cloture motion filed on July 23 and replaced by Senator SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 186 through 199; the nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; and the nomination of John Hamre, to be Deputy Secretary of Defense, which was reported from the Armed Services Committee today.

I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, and any statements related to the nominations appear at this point in the RECORD, and the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confired, en bloc, as follows:

IN THE AIR FORCE

The following Air Force National Guard of the United States officer for appointment in the Reserve of the Air Force, to the grade indicated, under title 10, United States Code, section 12203:

*To be brigadier general*

Col. Tommy L. Daniels, 0000

The following-named officers for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

*To be lieutenant general*

Maj. Gen. William J. Begert, 0000

Maj. Gen. Lance W. Lord, 0000

IN THE ARMY

The following-named officers for appointments in the Regular Army to the grade indicated under title 10, United States Code, section 624:

*To be brigadier general*

Col. Edwin J. Arnold, Jr., 0000

Col. John R. Batiste, 0000